

R 121649Z FEB 09
FM AMEMBASSY WINDHOEK
TO SECSTATE WASHDC 0339
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

UNCLAS WINDHOEK 000052

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E.O. 12958: N/A

TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#) [WA](#)
SUBJECT: 2009 ANNUAL TRAFFICKING IN PERSONS REPORT ON
NAMIBIA

REF: A. 08 STATE 132759
[1](#)B. WINDHOEK 11

SENSITIVE BUT UNCLASSIFIED ENTIRE TEXT

[1](#)1. (U) Response to 23 A: The Government of Namibia (GRN) does not gather statistics on trafficking in persons (TIP). The Ministry of Gender Equality and Child Welfare (MEGCW) keeps statistics on the number of women who are victims of domestic violence. The Women and Child Protection Unit of the police investigates possible trafficking cases, but does not keep statistics on trafficking. The Ministry of Labour and Social Welfare tracks cases of the worst forms of child labor. There are plans to carry out a baseline study in 2009 to assess the scope of the TIP problem in Namibia. This project, which the MEGCW requested, will be funded by USAID's Women in Development's Anti-trafficking Technical Assistance Task Order and USAID's Africa Bureau and will be carried out in partnership with the MEGCW.

[1](#)2. (U) Response to 23 B: Namibia is a country of transit for internationally trafficked men, women, and children, and it appears to be a country of origin and destination as well. There is primarily anecdotal evidence that trafficking takes place within Namibia's borders (there are no areas of the country not under the GRN's control). However, there are no statistics available on either domestic or international trafficking with regards to Namibia. There have been instances of children being trafficked from Angola and Zambia to work in Namibia. There are reports of a labor trafficking syndicate from West Africa that transits through Namibia. In the Namibian sex industry, some of the workers are believed to be trafficked. Per Ref B, the Ministry of Labour reports that three cases of the worst forms of child labor took place in Namibia (one in July 2008 in the agricultural sector in which a Namibian child died from injuries he sustained carrying heavy loads; one in August 2008 in which several Angolan children ages ten to 13 were herding cattle; and the third in October 2007 in which Zambian children were found in the Caprivi region as part of a ring of domestic child laborers).

[1](#)3. Response to 23 C: According to government officials, victims of TIP may be promised wages that they never receive. They may be forced to work long hours, carrying out hazardous tasks. Victims may be beaten or raped by their traffickers or by third parties.

[1](#)4. Response to 23 D: Namibia's high HIV/AIDS prevalence rate has increased the number of orphans and vulnerable children, who are at risk of being exploited.

[1](#)5. Response to 23 E: An independent researcher claims that West Africans are being transited through Namibia to work in Angola under false pretenses. (The theory is that passports and work permits are easier to obtain in Namibia than in Angola, and Namibian papers allow one to work in Angola.) Police corroborate this labor syndicate's existence. Business owners are trafficking sex workers either to work in small local bars known as "shabeens" or in ships in the harbor along the west coast. A high-profile case in December in which a Somali woman and her children were arrested at

Namibia's international airport with stolen passports, police claim is most likely a smuggling as opposed to a TIP case. In some cases in which children are engaged in herding, domestic or agricultural labor, parents unwittingly may have sold their children into these conditions.

¶6. Response to 24 A: The GRN does acknowledge that trafficking is a problem. The MGEWCW has worked closely with us in designing the scope of work for the baseline study described in paragraph 1.

¶7. Response to 24 B: The MGEWCW, the Ministry of Home Affairs and Immigration, the Ministry of Labour and Social Welfare, and the Ministry of Safety and Security are involved in the GRN's anti-trafficking efforts. No particular ministry acts as lead agency, although the MGEWCW will take the lead on the 2009 TIP baseline study. Similarly, the Ministry of Labour has been the lead agency on Namibia's National Child Labour Project, an ongoing study examining work activities that negatively affect a child's development. It produced research reports, a discussion document, and an action plan in 2008 as part of the ILO's International Program on the Elimination of Child Labor (IPEC). There have been no large-scale government-led anti-trafficking campaigns. However, in 2008, the MGEWCW printed and distributed-- via its gender liaison officers in each of Namibia's 13 regions-- 1000 copies of a brochure explaining human trafficking. The government also devotes resources to public campaigns on labor rights (including brochures, which explain the new labor law and promote child labor awareness), domestic violence and sexual abuse. In January 2008, the government hosted a national conference on child labor, which focused significantly on TIP, including child sex workers.

¶8. Response to 24 C: The government's ability to collect and quantify TIP information is limited due to a lack of computer systems, appropriate software, Internet access, digital records, and digital cameras and recorders-- particularly in the police force. The Women and Child Protection Unit claims that there are not enough shelters in the country to which victims of violence, including TIP, can be referred, and similarly there are not enough hospital facilities in which victims can receive appropriate care by physicians or counselors trained in assisting trauma victims.

¶9. Response to 24 D: The government does not keep statistics on trafficking. However, the GRN does collect crime data and statistics on trafficking-related offenses, such as the worst forms of child labor and rape. It monitors immigration-related data that could indicate instances of TIP. The country's human rights and legal organizations and the media monitor the issue, but generally do not keep TIP statistics. The GRN does not monitor its anti-trafficking efforts.

¶10. (SBU) Response to 25 A, B, C, and D: The Prevention of Organized Crime Act (POCA) of 2004 (which is expected to be implemented in April 2009) explicitly criminalizes TIP as well as human smuggling. With this legislation, those who participate in or aid and abet TIP face fines of up to N\$1,000,000 (USD 100,000) or jail terms of up to 50 years. Additionally, those who participate in or aid and abet migrant smuggling face fines up to N\$500,000 (US \$50,000) or imprisonment of up to 25 years. The law does not differentiate between trafficking for sexual exploitation and trafficking for non-sexual purposes. Because the law does not cover the "three Ps," the Ministry of Justice is considering redrafting legislation so that it more comprehensively addresses TIP. The Combating Rape Act prescribes up to 15 years imprisonment for first-time offenders and up to 45 years for repeat offenders, which is less than the 50 years prescribed by the POCA. Namibia's labor law prohibits forced labor and those convicted of forced labor are liable for fines up to N\$20,000 (USD 2,000) or imprisonment of up to four years or both.

¶11. Response to 25 C continued: Namibia has progressive labor laws, including laws prohibiting the worst forms of child

labor. Section 3 of the 2007 Labour Act, which was signed into law during the reporting period, maintains the minimum working age at 14 years. It also states that children between the ages of 14-18 may not be employed where: work takes place between the hours of 20:00-07:00; work is done underground or in a mine; construction or demolition takes place; goods are manufactured; electricity is generated, transformed, or distributed; machinery is installed or dismantled; and any work-related activities take place that may jeopardize a child's health, safety, or physical, mental, spiritual, moral, or social development. Under the new labor act, persons found guilty of employing children face a maximum fine of up to N\$20,000 (USD 2,000) and/or up to four years imprisonment. In addition, Section 6 of the Labour Act stipulates the number of hours employees are allowed to work, (which vary depending on the nature of the job) as well as meal intervals (one hour meal interval for every five hours of continuous work). Section 7 dictates the number of workplace health and safety representatives (for 11-100 employees, at least one health and safety representative may be elected by the employees). Section 13 states that a health and safety commission must be established at a work place with more than 100 employees. Section 17 dictates the number of annual leave days employers must grant employees (e.g. an employee who works five days a week is entitled to at least 20 days of annual leave). And Section 19 prescribes minimum conditions of employment for night work, work on Sundays, and work during public holidays.

¶12. Response to 25 E: The GRN did not prosecute any cases against human trafficking offenders during the reporting period. In the three child labor cases discussed in paragraph 2, the offenders were issued compliance orders because the 2007 Labour Act, which prescribes stiffer penalties, had not yet been implemented. The GRN recorded no cases of forced adult labor during the reporting period.

¶13. Response to 25 F: The government continues to pursue its gender mainstreaming policy to "integrate gender equality and gender sensitivity in all government actions and programs." Through the Women and Child Protection Unit within the police force, the government provides specialized training for police officials and social workers from the Ministry of Health in providing services to victims of sexual abuse and domestic violence. A limited number of government officials have undertaken anti-TIP training.

¶14. Response to 25 G: The GRN works with the countries in the Southern African Development Community (SADC) to develop and conform legislation in the region, particularly with respect to border and immigration issues and their relationship to TIP. There were no cooperative international investigations on TIP during the reporting period.

¶15. Response to 25 H: Namibia's Extradition Act of 1996 (Act 11 of 1996) provides for extradition to specified countries, such as those in the SADC region and Commonwealth, as well as other countries with which Namibia has extradition agreements. Although TIP and smuggling are considered extraditable offenses in Namibia, there were no extraditions related to TIP or smuggling during the reporting period.

¶16. Response to 25 J: There was no evidence presented during the reporting period of government officials involved in TIP.

¶17. Response to 25 K: Prostitution is not criminalized, but making a living from prostitution (such as pimping or solicitation) is illegal. The age of sexual consent in Namibia is 16. There are laws criminalizing sexual exploitation, child pornography, and child prostitution. The GRN enforces these laws, particularly in instances of child and adult rape.

¶18. Response to 25 L: No Namibian peacekeepers were investigated or sentenced for TIP-related offenses during the reporting period.

¶19. Response to 26 A and B: The Women and Child Protection

Unit of the police (there are 15 such units around the country) is the first point of contact for women and children who are victims of violence. The police are responsible for finding temporary shelter for victims as well as medical assistance. MGECW provides social workers to the police. The Women and Child Protection Unit has designated examination rooms in most hospitals for use by victims and physicians, who have been trained to deal with trauma victims. There are five shelters in Namibia; all are run by civil society organizations. Police contend that shelters are often full and cannot accommodate all victims of gender-based violence. If a child trafficking victim is discovered, the police or inspectors from the Ministry of Labour and Social Welfare will work to return the child to his/her family.

¶20. Response to 26 C: There are several NGOs working on TIP-related issues. The PEACE Center offers counseling to victims of trauma and has a referral agreement with the Women and Child Protection Unit of the police. However, it has never had a TIP victim as a client. The Council of Churches in Namibia has worked with sex workers. Victims also may be referred to the Legal Assistance Center for pro-bono legal counseling. Generally these NGOs do not receive government financial assistance.

¶21. Response to 26 D: During the reporting period, the possible Somali TIP victim was assisted by the Legal Assistance Center. The Ministry of Labour and Social Welfare plans to reassess the welfare of the Angolan children who were discovered herding cattle. The domestic child laborers from Zambia were repatriated.

¶22. Response to 26 E: There is no long-term shelter available for victims, including those assisting with the investigation of a crime. Due to serious resource constraints, the GRN has difficulty providing financial assistance to victims (i.e. those who are no longer working). GRN also has difficulty compensating victims.

¶23. Response to 26 F: The Women and Child Protection Unit of the police have an informal referral system in place with the NGOs that provide shelter or counseling to victims.

¶24. Response to 26 G: Statistics are not kept on TIP victims, and for the most part, victims of violence who are intercepted by the police, the MGECW, the Ministry of Home Affairs, or the Ministry of Labour and Social Welfare do not identify themselves as victims of TIP. In addition to the cases known to the government (described in paragraph 2), an independent researcher completed a study in which she interviewed 230 prostitutes. Of these, 68 claimed to have been trafficked. The researcher claims that 23 of these trafficking cases took place during the last year.

¶25. Response to 26 H: The Women and Child Protection Unit of the police proactively seek to identify victims of trafficking.

¶26. Response to 26 I: It is possible that victims could be jailed or prosecuted for violating laws related to immigration and prostitution. The GRN does not have any record of this taking place during the reporting period.

¶27. Response to 26 J: The GRN does encourage victims to assist in the investigation and prosecution of criminals in trafficking and gender violence cases. There were no trafficking related investigations during the reporting period.

¶28. Response to 26 K: The Women and Child Protection Unit of the police and the MGECW's gender liaison officers (there is one in each of Namibia's 13 regions) have undergone training to identify victims of trafficking. The government does not provide specific training on TIP to those working in its embassies and consulates, but encourages Namibian diplomats to maintain relations with NGOs that follow trafficking issues. There were no victims of trafficking assisted by Namibia's embassies or consulates during the reporting period.

¶29. Response to 26 L: There were no reported instances of repatriated TIP victims during the reporting period.

¶30. Response to 26 M: The ILO-supported program, Towards the Elimination of the worst forms of Child Labor (TECL) deals with several TIP-related issues. UNICEF is among the international organizations with policies in place to assist TIP victims. In the past, the U.S. Embassy has conducted training or provided training materials to government officials working on TIP-related issues. Namibia hosted the ninth annual INTERPOL working group meeting on TIP in September 2008.

¶31. Response to 27 A: Please see paragraph 7. In addition, there is widespread agreement amongst government officials and civil society that Namibia needs a country-wide public awareness campaign on TIP. Many victims do not understand the phenomenon and therefore do not identify themselves as victims or seek assistance. Public awareness printed materials and billboards are especially needed at border areas.

¶32. Response to 27 B: The GRN monitors immigration and emigration patterns for evidence of TIP.

¶33. Response to 27 C: There is no multi-ministerial task force working on TIP.

¶34. Response to 27 D: The government does not have a national plan of action on TIP. The TIP baseline study mentioned in paragraph 1 is expected to lead to such a plan.

¶35. Response to 27 E: There were no actions to reduce the demand for commercial sex taken during the reporting period. There were no known cases of foreign nationals engaging in sex tourism in Namibia nor of Namibians engaging in sex tourism abroad.

¶36. Response to 27 F: There were no actions to reduce participation in international sex tourism taken during the reporting period.

¶37. Poloff spent approximately 18 hours on this report. DCM spent 2 and Ambassador 2. Poloff Emily Plumb is POC for TIP. (Telephone 264-61-295-8500; fax 264-61-295-8603).

MATHIEU